

OLAC License Review/Recommendations 2019

HEALTH, DEPARTMENT OF (07/01/2019)	
License	Commission Recommendation
Adult Day Care Aide	
Medication Aide	
Developmentally Disabled Direct Care Aide	
Feeding Assistant	
Home Health Aid	
Long Term Care Aide	
Residential Care Aide	
Hearing Aid Licensees	
Home Health Administrators)	
Registered Professional Environmental Specialist	
Licensed Genetic Counselor	
Certified Micropigmentologists	
Licensed Sanitarians	
Licensed Tattoo Artists	
Body Piercing Artist	
AGRICULTURE, DEPARTMENT OF (07/01/2019)	
License	Commission Recommendation
Pesticide Applicator: Commercial, non-commercial, consultant, technician (7/1/19)	

**OLAC License Review/Recommendations
2019**

ALCOHOLIC BEV LAWS ENFORCEMENT- ABLE (07/01/2019)	
License	Commission Recommendation
Manufacturer (7/1/19)	
Employee	
Retail	

Department of Health Occupational Licenses
Nurse Aide Certifications

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Adult Day Care Aide	None	Complete 16 hour orientation specific to the facility population. Background check	63 O.S. § 1-1951	\$75.00
Medication Aide	High School Diploma or GED		63 O.S. § 1-1951	\$10.00
Developmentally Disabled Direct Care Aide	None	Complete 16 hour orientation specific to the facility population. Background check	63 O.S. § 1-1951	\$10.00
Home Health Aide	None	Complete 75 hour training program and pass written and clinical skills exam; Background check	63 O.S. § 1-1951	\$10.00
Long Term Care Aide	None	Complete 75 hour training program and pass written and clinical skills exam; Background check	63 O.S. § 1-1951	\$10.00
Residential Care Aide	None	Complete 16 hour orientation specific to the facility population; Background check	63 O.S. § 1-1951	\$10.00
Feeding Assistant	None	Complete 8 hour training program; Background check	63 O.S. § 1-1951	\$10.00

State Comparison:

All states license nurse aids. The terminology and scope of these licenses differ across the country.

Occupational Regulation Blueprint

License Details

What is the license? Certified Adult Day Care Aide

What does the license cover? Under the supervision of a licensed nurse, aides may assist participants with mobility, assistive devices, activities, hygiene, positioning, and eating.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Adult Day Care Aides are required to pay a \$10 fee for a biennial renewal of certification and a \$15 fee for retesting if needed.

There were 24 ADCAs in FY18. The combined fees generate approximately \$120 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

However, this is an excluded health profession.

Occupational Regulation Blueprint

License Details

What is the license? Certified Medication Aide

What does the license cover? Under the supervision of a licensed nurse, has authority to dispense medications to patients in a correctional facility, county or municipal detention facility, nursing facility, continuum of care facility, assisted living center, adult day care, residential care, or a VA facility.

What Board regulates the license? OK. State Dept. of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes. Incorrect drug or dosage, drug interactions, and misappropriation of medication.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing with continuing education. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Certified medication aides are required to pay a \$10 fee for an annual renewal of certification and a \$15 fee for retesting if needed.

There were 6,074 CMAs in FY18. The combined fees generated approximately \$60,740. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

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Occupational Regulation Blueprint

License Details

What is the license? Certified Care Aide for Individuals with Developmental Disabilities

What does the license cover? Under the supervision of a licensed nurse, aides may assist clients with bathing, grooming, dressing, positioning, toileting, and eating in a home for individuals with developmental disabilities.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Care Aides for Individuals with Developmental Disabilities are required to pay a \$10 fee for an annual renewal of certification and a \$15 fee for retesting if needed.

There were 1,248 aides in FY18. The combined fees generated approximately \$12,480. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

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Occupational Regulation Blueprint

License Details

What is the license? Home Health Care Aide

What does the license cover? A home health care aide is any person who provides for compensation nursing services or health-related services to residents in a home health setting.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

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Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Home Health Aides are required to pay a \$10 fee for a biennial renewal of certification and a \$15 fee for retesting if needed.

There were 13,707 HHAs in FY18. The combined fees generate approximately \$68,535 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

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Occupational Regulation Blueprint

License Details

What is the license? Certified Long Term Care Aide

All nurse aides that work in nursing facilities participating in Medicare and Medicaid programs must be certified 42 U.S.C. §§ 1395i-3 and 1396r.

What does the license cover? Under the supervision of a licensed nurse, aides may assist residents/patients with bathing, grooming, dressing, positioning, toileting, and eating.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

Long term care aides are not required to pay any fees for initial or renewal of their certifications pursuant to Federal Regulation. Program costs are covered by Medicare and Medicaid grant.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

Occupational Regulation Blueprint

License Details

What is the license? Certified Residential Care Aide

What does the license cover? Authority to provide assistance in behavior management, hygiene and basic nursing skills. nursing services or health-related services to residents in a residential care setting.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing with continuing education. Employers verify aides are certified, not on the abuse registry, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

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Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 57 certified residential care aides in FY18. They are required to pay a \$10 fee for a biennial renewal of certification and a \$15 fee for retesting, if needed. The combined fees generate approximately \$285 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

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OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

However, this is an excluded health profession.

Occupational Regulation Blueprint

License Details

What is the license? Registered Feeding Assistant

This registration is required under 63 O.S. § 1951 and 42 CFR 483 and 488 (related to Medicare and Medicaid Certification of the provider).

What does the license cover? The registration provides evidence to the employer that the individual has completed the required training.

Under nurses supervision, gives certified providers the option to use paid feeding assistants, to provide residents with help in eating and drinking.

What Board regulates the license? Oklahoma State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes.

Least Restrictive Means

What means is used to protect the public interest? Registration after training and skills assessment.

Employers verify assistant is not on an exclusion registry, and is not ineligible based on criminal history, then registers the assistant after training.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 576 registered feeding assistants in FY18. They are required to pay a \$10 fee for initial and biennial renewal of registration. The combined fees generate approximately \$3,870 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

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How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

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https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

However, this is an excluded health profession.

Department of Health Occupational Licenses

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Hearing Aid Dealers and Fitters	A high school graduate or the equivalent Knowledge of hearing loss measurement and the ability to make ear impressions	18 years of age	63 O.S. § 1-1751	License fee - \$50 Renewal fee - \$50
Home Health Administrators	High School Diploma or GED	Complete 160 hour course and pass exam; Background check	63 O.S. § 1-1962a	\$150.00
Registered Professional Environmental Specialist	Four-year baccalaureate degree with a major in public health, environmental health, environmental science, physical science, natural science, biological science, agricultural science, or equivalent from an accredited college or university with at least thirty semester hours of work in physical, natural and biological sciences, public health and/or environmental health or environmental protection or both environmental health and environmental protection.	Two years of postgraduate, full-time experience working in the fields of public health or environmental protection	59 O.S. § 1-1150.9	Certification fee - \$25 Renewal fee - \$25 Lifetime registration fee - \$60
Licensed Sanitarians	Four-year baccalaureate degree with a major in public health, environmental health, environmental science, physical science, natural science, biological science, agricultural science, or equivalent from an accredited college or university with at least thirty semester hours of work in physical, natural and biological sciences, public health and/or environmental health or environmental protection or both environmental health and environmental protection.	Two years of postgraduate, full-time experience working in the fields of public health or environmental protection	59 O.S. § 1-1150.9	Application fee - \$30 Certification fee - \$25 Renewal fee - \$25 Lifetime registration fee - \$60

Licensed Genetic Counselor	Successful completion of a master's degree in genetic counseling training program that is accredited by the American Board of Genetic Counseling or an equivalent entity or doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics or an equivalent entity.	21 years of age. Good moral character ; pass ABGC or ABMG exam	63 O.S. § 1-561	Application Fee - \$300 License fee - none Renewal fee - \$200
Certified Micropigmentologists	A licensed physician or dentist, A registered nurse working under the supervision of a licensed physician, or A person, having received a high school diploma or equivalent, working under supervision of a physician where the level of supervision is defined by the physician in whose office medical micropigmentation is being performed.	21 years of age. Completion of a training course of at least 300 hours or equivalent of competency based instruction encompassing both theory and clinical training. Pass exam	63 O.S. § 1-1457	Certification fee - \$500 Renewal fee - \$100

Licensed Tattoo and Body Piercing Artists	None	18 years of age; Proof of a completed approved apprenticeship program verified by the Department of Health or 2 year license status from another state (if state does not license, proof can be tax records, or shop inspections with individuals name included); Affiliation with a body piercing or tattoo establishment that has a current license. Current blood borne pathogen certification recognized from a nationally accredited program. Current first aid certification. Current CPR certification. Pass exam	21 O.S. § 842.3	Application fee - \$200 Body Piercing-Initial license - \$250 Renewal - \$250 License Fees for Tattoo Artist Initial license - \$250 Renewal - \$250
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State Comparison:

Only licenses with differences across the country were Micropigmentologists and Genetic Counselor. Micropigmentologists - Some states (Arkansas, Texas, Arizona) just require Bloodborne Pathogen Training Genetic Counselor - 22 states license, 6 states have passed legislation or in rulemaking process

All other licenses listed - Home Health Administrator, Hearing Aid Dealers/Fitters, Sanitarians and Environmental Specialists, and Tattoo/Body Piercing Artists appear to be licensed in all or most states.

Occupational Regulation Blueprint

License Details

What is the license? Hearing Aid Dealers & Fitters

What does the license cover? The fitting and sale of hearing aids

What Board regulates the license? OK State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Health

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes

Least Restrictive Means

What means is used to protect the public interest? Business license and regulation; examination and annual continuing education.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The initial fee is \$145 and annual renewal fees are \$75. There were 182 Hearing Aid Dealers & Fitters in FY18. The combined fees for initial licensing and renewals generate approximately \$12,115 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

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How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

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https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

However, this is an excluded health profession.

Occupational Regulation Blueprint

License Details

What is the license? Certified Home Health Administrator

What does the license cover? Authority to administer a Home Health Agency. Evidence of training and competency.

What Board regulates the license? Oklahoma State Department of Health
63 O.S. 1-1962a

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public safety and public health.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes.

Least Restrictive Means

What means is used to protect the public interest? Government certification after specialized training and testing
with continuing education. Employers verify administrators are certified, not on any exclusion registries, and are not ineligible based on criminal history.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 582 certified home care administrators in FY18 of which 72 were initial certifications. They are required to pay a \$140 initial application fee and a \$55 annual renewal fee. Provisional and deeming application fees are \$80.00. The combined fees generate approximately \$48,000 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

However, this is an excluded health profession.

Occupational Regulation Blueprint

License Details

What is the license? Registered Professional Environmental Specialists & Registered Professional Sanitarians

What does the license cover? Authority to perform soil tests to design sewage disposal systems and to conduct food service inspections.

What Board regulates the license? OK State Department of Health and Sanitarian and Environmental Specialist Registration Advisory Council

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Health

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes

Least Restrictive Means

What means is used to protect the public interest? Registration with education, experience, examination and ongoing continuing education.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

The Council "shall" approve applicants for registration as a sanitarian or environmental specialist upon compliance with the requirements [59 O.S. § 1150.7]. Applicants are submitted to the Council upon evaluation by the OSDH that they have met the requirements. The Commissioner of Health shall issue the certificate of registration to anyone who meets the requirements and is approved by the Council [59 O.S. § 1150.9]. The Commissioner has authority to revoke, not renew, or suspend a registration.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? ⁹ _____

How many of them are active market participants (see Annex, item 5)? ⁸ _____

Is the board controlled by these active market participants (see Annex, item 6)? Yes

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? Yes, see notes above.

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

There were 518 sanitarians and environmental specialists registered or in training in FY18. The combined fees for initial licensing, renewals, and examinations generated \$13,145. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH licensure, certification and registration programs operate under Title 63 and Title 21. We will review the enacting law and supporting rules for each licensure, certification and registration to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

Occupational Regulation Blueprint

License Details

What is the license? Licensed Genetic Counselor

What does the license cover? _____

Authorizes the licensee to: estimate the likelihood of occurrence or recurrence of a birth defect or of any potentially inherited or genetically influenced condition; help an individual, family, health care providers and the public to appreciate the medical, psychological and social implications of a disorder including its features, variability, usual course, and management options; counsel how genetic factors contribute to the disorder and affect the chance for recurrence of the condition in other family members; facilitate an individual's or family's exploration of the perception of risk and burden associated with a disorder and aide in decision-making regarding testing or medical interventions consistent with the individual's or family's beliefs, goals, needs, resources, culture and ethical or moral views.

What Board regulates the license? OK State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Health

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?

Yes

Least Restrictive Means

What means is used to protect the public interest? Specialty occupational license for medical reimbursement; National examination/registration and ongoing continuing education.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

This occupational license operates as a certification and is issued upon evidence of validated training and/or experience and passing the exam.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? None

How many of them are active market participants (see Annex, item 5)? None

Is the board controlled by these active market participants (see Annex, item 6)? No

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The initial application fee is \$300 and annual renewal fees are \$200.00. There were 94 counselors in FY18. The combined fees for initial licensing and renewals generate approximately \$16,760. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:

https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

However, this is an excluded health profession.

Occupational Regulation Blueprint

License Details

What is the license? Certified Medical Micropigmentologists

What does the license cover? Authority to apply permanent make-up and coverage of traumatized areas

What Board regulates the license? OK State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Health

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes

Least Restrictive Means

What means is used to protect the public interest? Government certification and regulation through verified, validated training and/or experience, examination, and practice under a licensed physician's supervision.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

-----*Continue only if Occupational Licensing was Used*-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? _____

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----*Continue only if the Board is Controlled by Market Participants*-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The application fee is \$515 and annual renewal fees are \$100.00. There were 145 Micropigmentologists in FY18. The combined fees for initial licensing and renewals generate approximately \$31,625 annually. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

However, this is an excluded health profession.

Occupational Regulation Blueprint

License Details

What is the license? Tattoo and Body Piercing Artists

What does the license cover? Authority to apply permanent ink and piercings to the human body.

What Board regulates the license? OK State Department of Health

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Health

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes

Least Restrictive Means

What means is used to protect the public interest? Occupational and business license; regulation and inspection.
Verified, validated training and/or experience, examination and annual CPR and blood borne pathogen training.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

Notes:

This occupational license operates as a certification and is issued upon evidence of validated training and/or experience and passing the exam.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? None

How many of them are active market participants (see Annex, item 5)? None

Is the board controlled by these active market participants (see Annex, item 6)? No

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions:

Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board:

The initial and annual renewal license fees are \$250.00. There were 420 tattoo artists and 63 body piercing artists in FY18. The combined fees for initial licensing and renewals generate approximately \$120,750. These fees help to cover the costs of program administration.

How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670

OSDH will review the enacting law and supporting rules for each licensure, certification and registration under Title 63 and Title 21 to identify language and/or barrier offenses not consistent with HB1373 and prepare amendments to align the language.

OSDH will implement policy effective with SB670 to recognize all requests for transfer of license, certification or registration for active duty military personnel and their spouses who meet the stated eligibility standards, criteria, qualifications or requirements for licensure, certification or registration. This evaluation will be made in the manner most favorable toward the individual satisfying the qualifications. Statute and rule reviews will be conducted to identify any needed language clean-up to align with SB670.

How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

OSDH implemented HB2933 in 2018 by amending application forms and creating web-based instruction on how to apply for the fee waiver. Those may be found here:
https://www.ok.gov/health/Protective_Health/Consumer_Health_Service/HB_2933_Information.html

Department of Agriculture Occupational Licenses

Application License Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Pesticide Applicator: Commerical, non-commercial, consultant, technician	There are no specific educational requirements; however, a working knowledge of the occupation is necessary.	Applicator certification requires the successful completion of at least two examinations.	2 O.S. § 11-97	Private applicator - \$20 Service technician - \$50 Commercial applicator - \$100 Consultant license - \$100

State Comparison:

All states license pesticide applicators as EPA has federal standards states must abide by.

Additional fiscal information:

Pesticide Applicator fee revenue: \$4,525,638

Department of Agriculture is a state appropriated agency.

Occupational Regulation Blueprint

License Details

What is the certification/license? Certification for Pesticide Applicators, including Service Technicians and Commercial Applicators; Pesticide Applicator Consultant License

What does the certification/license cover? The application of pesticides on others' property

What Board regulates the license? State Board of Agriculture

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? public health, public safety, substantial fiduciary interest; The Federal Insecticide, Fungicide and Rodenticide Act requires the certification of individuals applying pesticides. The U.S. Environmental Protection Agency (EPA) implements this federal law and has delegated authority to the Oklahoma Department of Agriculture, Food, and Forestry (ODAFF) to administer the program according to ODAFF's Certification and Training Plan. Without the administration of the program through an agency with this delegated authority, producers cannot use Restricted Use Pesticides in the state of Oklahoma. This would greatly impact farmers and small businesses throughout the state, as they depend on these products and their proper application to safely and efficiently grow crops. This would also impact small businesses as it would prohibit the commercial application of pesticides in restaurants, hotels, and other integral Oklahoma businesses as well as in individuals' homes and yards.

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)? Yes- demonstrated, real, significant, probable

Least Restrictive Means

What means is used to protect the public interest? Command and Control: Certification holders must prove adequate knowledge of pesticides and application by passing a test. They are also required to carry insurance for losses due to improperly applied pesticides, and complete continuing education. The certification must be renewed every five years.

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes----
For the certifications, this is what EPA requires under ODAFF's Certification and Training Plan in order for the agency to maintain delegated authority from EPA.

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board How many members are on the regulatory board? 5

How many of them are active market participants (see Annex, item 5)? One board member is a certified private applicator. All board members are ag producers and several utilize restricted use pesticides for agricultural production.

Is the board controlled by these active market participants (see Annex, item 6)? No

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board Is there active state supervision of the board (see Annex, item 7)? _____
If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Additional Questions

- Expand on the fees collected by your Agency/Board; what those fees fund at your Agency/Board; and the annual, fiscal impact of said fees to your Agency/Board;

A private applicator certification is \$20, service technician is \$50, and a commercial applicator is \$100. Fees collected go back into ODAFF's Pesticide Program. These funds are used for administration costs, such as providing cards to prove certification, tracking continuing education credits, and investigating pesticide drift complaints. These fees also help fund production of study materials and training that OSU provides applicators.

- How your Agency/Board plans to implement new laws relating to felony convictions and military member/spouse reciprocity found in HB 1373 (if signed by Governor Stitt) and SB 670; and,

ODAFF will work with applicants on a case-by-case basis to address questions or concerns that may give rise to denial of an application due to a felony conviction. For military members, ODAFF will grant reciprocity for those certified under a program with equivalent requirements and work on a case-by-case basis with those that are certified under lesser standards.

- How your Agency/Board has, or will, implement provisions in last session's HB 2933, codified at 59 O.S. § 4003, which requires a one-time, one-year, fee waiver for low-income individuals.

ODAFF will comply with the law and grant the waiver to those who qualify.

ABLE Occupational Licenses

Application License Name	Agency Name	Required Education Level	Required Experience/Qualifications	Statutory Citation	Fees
Manufacturer	Alcoholic Bev Laws Enforcement- ABLE	None	Criminal history check.	37A § 2-136	\$55.00
Employee	Alcoholic Bev Laws Enforcement- ABLE	None	Training Certification, Criminal history check.	37A § 2-121	\$30.00
Retail	Alcoholic Bev Laws Enforcement- ABLE	None	Criminal history check.	37A § 2-141	\$455/805 /1155

Fiscal Information:

The fees for the three licenses attached go to General Revenue, with the exception of \$5.00 from every employee license fee remaining with the The \$5.00 hold back is very new, and started July 2018. Goes towards Operations.

ABLE is a state appropriated agency that gave \$8,101,561.67 to General Revenue for FY2018.

Felony Convictions:

HB 1030 passed in 2019 legislative session. It lifted restrictions on who can obtain an employee license. Less than a year ago, before State Question all felons were barred from obtaining an employee license. Beginning October 1, 2018 it went to a 5 year look back for convicted felons (excluding violent felonies). HB 1030 does away with all look back periods, but keeps the total bar on violent felonies in place. We will simply cease denying applicants with felony convictions so long as the conviction was non-violent.

State Comparison:

Every state requires a license to serve/sell alcohol.

Occupational Regulation Blueprint

License Details

What is the license? Employee License

What does the license cover? Allows an individual to sell / serve alcoholic beverages for the public

What Board regulates the license? XIBL Commission

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Safety / Public Health

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?

Yes

Least Restrictive Means

What means is used to protect the public interest? License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? 8

How many of them are active market participants (see Annex, item 5)? 0

Is the board controlled by these active market participants (see Annex, item 6)? No

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? No

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Occupational Regulation Blueprint

License Details

What is the license? Retail Spirit License (liquor store)

What does the license cover? operate a liquor store

What Board regulates the license? ABLE Commission

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Safety

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes

Least Restrictive Means

What means is used to protect the public interest? License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? 0

How many of them are active market participants (see Annex, item 5)? _____

Is the board controlled by these active market participants (see Annex, item 6)? _____

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)? _____

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.

Occupational Regulation Blueprint

License Details

What is the license? Manufacturer Agent / Wholesale Agent Licenses

What does the license cover? Allows individual to sell alcoholic beverages to either the wholesale or retail tier

What Board regulates the license? ABLE Commission

Compelling Public Interest

What is the compelling public interest (see Annex, item 1)? Public Safety

Is this public interest a demonstrated, real, significant, and probable harm (see Annex, item 2)?
Yes

Least Restrictive Means

What means is used to protect the public interest? License

Is it the least restrictive means (see Annex, item 3), which sufficiently protects the interest (see Annex, item 4)? Yes

If the answer to the above question is "No" then do not use that type of regulation to protect the public interest.

-----Continue only if Occupational Licensing was Used-----

Controlling Number of Market Participants on the Board

How many members are on the regulatory board? 0

How many of them are active market participants (see Annex, item 5)?

Is the board controlled by these active market participants (see Annex, item 6)?

-----Continue only if the Board is Controlled by Market Participants-----

Active Supervision of the Board

Is there active state supervision of the board (see Annex, item 7)?

If the answer to the above question is "No" then board's conduct may violate the Sherman Act and the board's actions are not protected by state immunity.